IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

:::

JUDGMENT

Dr. Hukami Chand.
vs.
Satya Narain.

S.B.CIVIL SECOND APPEAL NO.182/2006 UNDER SECTION 100 CPC AGAINST THE JUDGMENT AND DECREE DATED 15.2.2006 PASSED BY SHRI O.P. SINGH, ADDITIONAL DISTRICT JUDGE, BALI, DISTRICT PALI IN CIVIL REGULAR APPEAL NO.3/2001.

DATE OF JUDGMENT ::: 16.4.2007

PRESENT

HON'BLE MR. PRAKASH TATIA, J.

Mr. Shambhoo Singh, for the appellant.
Mr. Pradeep Shah, for the respondent.

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BY THE COURT:

Heard learned counsel for the parties.

The appellant/defendant has challenged concurrent finding of fact recorded by the two courts below about

personal bonafide necessity of the plaintiff for the suit premises and the finding of the court below that the tenant/defendant has sub-let the suit premises.

After going through the reasons given in the two judgments as well as evidence available on the record, this Court is of the view that the courts below have not committed any error of law or error of fact in decreeing the suit of the plaintiff.

In view of the above, I do not find any substantial question of law involved in this appeal and this second appeal deserves to be dismissed.

At this juncture, learned counsel for the appellant prayed that sufficient time may be given to the appellant to vacate the suit premises.

Learned counsel for the respondent has serious objection to the grant of time to the appellant.

I considered this prayer of learned counsel for the appellant and looking to the facts of the case, this Court is of the view that the appellant be granted time upto 30.4.2008 to vacate the suit premises.

Therefore, it is ordered that in case, the appellant furnishes a written undertaking before the

trial court within a period of two months from today that he shall hand over the vacant possession to the landlord by or before 30.4.2008 and shall not part with the possession or sublet the suit premises during this period and shall pay all the arrears of rent and decreetal amount, if due, and shall also pay the rent upto 30.4.2008 in advance within a period of two months from today before the trial court or directly to the landlord, the decree under challenge shall not be executed till 1.5.2008.

In case of non-compliance of the order or default in payment of amount mentioned above, the decree shall become executable forthwith.

With the aforesaid concession, this appeal is dismissed.

(PRAKASH TATIA), J.

S.Phophaliya